

**LCM APPELLANTS' STATEMENT OF THE ISSUES AND
DESIGNATION OF THE RECORD ON APPEAL**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, LCM XXII Ltd., LCM XXIII Ltd., LCM XXIV Ltd., LCM XXV Ltd., LCM 26 Ltd., LCM 27 Ltd., and LCM 28 Ltd. (together, the “**LCM Appellants**”), by and through their undersigned counsel, respectfully submit the following statement of issues to be presented on appeal and designation of items for inclusion in the record on appeal in connection with the LCM Appellants’ appeal from the final judgment entered in the above-captioned adversary proceeding on June 14 [Adversary ECF 328], which incorporated the findings of fact and conclusions of law contained in the Court’s Memorandum Opinion dated June 6, 2023 [Adversary ECF 324].

Statement of the Issues on Appeal

1. Did the Bankruptcy Court err in granting Plaintiffs’ claim for a declaratory judgment that the 2020 Transaction was permitted as an “open market purchase” under the 2016 Credit Agreement, notwithstanding that a bare majority of lenders agreed to amend the 2016 Credit Agreement to permit the 2020 Transaction for the ability to immediately exchange their first lien loans for newly issued superpriority debt, thereby denying the LCM Appellants’ counterclaims?

Designation of the Record on Appeal

The LCM Appellants designate each of the docket sheets and the following documents from the proceedings indicated in each of the tables below for inclusion in the record on appeal. The following designations of pleadings and matters of record include all exhibits attached or referred to in the designated items.

In re Serta Simmons Bedding, LLC, et al., Case No. 23-90020		
Docket Date	Docket No.	Description
1/23/2023	1	Chapter 11 Voluntary Petition Non-Individual
1/23/2023	2	Emergency Motion of Debtors Pursuant to Bankruptcy Rule 1015(b) and Bankruptcy Rule 1015-1 for Order Directing Joint Administration of Chapter 11 Cases
1/24/2023	4	Designation of Complex Chapter 11 Bankruptcy Case
1/24/2023	11	Emergency Motion of Debtors for Interim and Final Orders (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting (A) Liens and Providing Claims With Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, (III) Modifying Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief
1/24/2023	24	Emergency Motion for Entry of Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection With Such Hearings, and (III) Granting Related Relief
1/24/2023	25	Request for Emergency Consideration of Certain “First Day” Matters
1/24/2023	26	Declaration of John Linker in Support of Debtors' Chapter 11 Petitions and First Day Relief
1/24/2023	27	Declaration of Brent T. Banks in Support of Emergency Motion of Debtors for Interim and Final Orders (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting (A) Liens and Providing Claims With Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, (III) Modifying Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief
1/24/2023	28	Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and Its Affiliated Debtor
1/24/2023	29	Disclosure Statement for Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and Its Affiliated Debtors
1/24/2023	31	Debtors’ Witness and Exhibit List for Emergency First Day Hearing on January 24, 2023
1/24/2023	32	Agenda of Matters Set for Emergency Hearing on January 24, 2023 at 1:00P.M. (Central Prevailing Time)
1/24/2023	46	Order for Joint Administration
1/24/2023	47	Order Granting Complex Case Treatment

1/24/2023	61	Notice of Filing First Day Hearing Demonstrative
1/24/2023	69	Verified Statement of the Ad Hoc Priority Lender Group Pursuant to the Bankruptcy Rule 2019
1/24/2023	71	Amended Agenda of Matters Set for Emergency Hearing on January 24, 2023 at 1:00P.M. (Central Prevailing Time)
1/24/2023	74	The Ad Hoc Group of First Lien Lenders' Statement and Reservation of Rights with Respect to the Debtors' Requested First Day Relief
1/24/2023	83	Interim Order (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use of Cash Collateral, (II) Granting (A) Liens and Providing Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, and (III) Modifying Automatic Stay, (IV) Scheduling a Final Hearing and (V) Granting Related Relief
1/24/2023	104	Order (I) Establishing Deadlines and Procedures for Filing of Claim, (II) Approving Form and Manner of Notice thereof, and (III) Granting Related
1/24/2023	109	Amended Interim Order (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting (A) Liens and Providing Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, (III) Modifying Automatic Stay, (IV) Scheduling a Final Hearing and (V) Granting Related Relief
1/24/2023	110	Courtroom Minutes from hearing held January 24, 2023
1/24/2023	114	Notice of Scheduling Conference Scheduled for January 27, 2023 at 3:30 P.M. (Central Time)
1/26/2023	137	Supplement in Support of Debtors' Emergency Motion for Entry of Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
1/26/2023	138	PTL Lenders' Response to Ad Hoc Group of Non-PTL Term Lenders' Statement and Reservation of Rights
1/27/2023	184	Notice of Filing of Revised Proposed Order (I) Scheduling Certain Hearing Dates and Deadline, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
1/27/2023	190	Statement of the LCM Lenders Joining the Ad Hoc Group of First Lien Lenders' Statement and Reservation of Rights
1/27/2023	193	Transcript regarding First-Day Motions Hearing held on January 24, 2023 before Judge David R. Jones
1/28/2023	210	Notice of Continued Scheduling Conference on February 1, 2023 at 12:00 p.m. (Central Time)
1/28/2023	211	Notice of Rescheduling of Hearing Date to February 28, 2023 at 2:00 p.m. (Central Time)
1/30/2023	213	Notice of Filing of Official Transcript

2/1/2023	225	Notice of Filing of Further Revised Proposed Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols In Connection With Such Hearings, and (III) Granting Related Relief
2/1/2023	228	Notice of Filing of Further Revised Proposed Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/2/2023	267	Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/8/2023	268	Notice of Hearing to Consider Approval of Disclosure Statement for Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and Its Affiliated Debtors
2/17/2023	347	The Ad Hoc Group of First Lien Lenders' Limited Objection to Debtors' Motion for a Final Order Authorizing the Debtors to Obtain Post-Petition Financing
2/17/2023	348	Objection of LCM Lenders to Debtors' Motion for a Final Order Authorizing the Debtors to Obtain Post-Petition Financing
2/17/2023	349	Motion of Debtors for Entry of Order (I) Approving Disclosure Statement and Form and Manner of Notice of Disclosure Statement Hearing; (II) Establishing Solicitation and Voting Procedures; (III) Establishing Notice and Objection Procedures for Confirmation of Proposed Plan; (IV) Approving Notice Procedures for the Assumption or Rejection of Executory Contracts and Unexpired Leases; and (V) Granting Related Relief
2/20/2023	354	Notice of Cancellation of Hearing Scheduled for February 21, 2023 at 12:00 P.M. (Central Time)
2/21/2023	356	Notice of Rescheduling of Hearing Date to March 1, 2023 at 1:00 P.M. (Central Time)
2/22/2023	358	Limited Objection of the Official Committee of Unsecured Creditors to Debtors' Motion for Entry of a Final Order Authorizing the Debtors to Obtain Postpetition Financing, Use of Cash Collateral and Granting Related Relief
2/27/2023	370	LCM Lenders' Witness and Exhibit List for the Hearing on Debtor's Motion for a Final Order Authorizing the Debtors to Obtain Post-Petition Financing
2/27/2023	371	Debtors' Witness and Exhibit List for Hearing on March 1, 2023
2/27/2023	372	Witness and Exhibit List of the Official Committee of Unsecured Creditors for Hearing on March 1, 2023 at 1:00 PM (CT)
2/27/2023	373	The PTL Lender Group's Witness and Exhibit List for March 1, 2023 Hearing
2/27/2023	374	Ad Hoc Group of First Lien Lenders' Witness and Exhibit List for Hearing on March 1, 2023

2/27/2023	375	Debtors' Omnibus Reply to Objections to DIP Motion
2/27/2023	376	Ad Hoc Priority Lender Group's Reply in Support of Debtors' Motion for a Final Order Authorizing the Debtors to Obtain PostPetition Financing
02/28/2023	381	Agenda of Matters Set for Hearing on March 1, 2023 at 1:00 P.M. (Central Time)
3/1/2023	390	Amended Agenda for Matters Set for Hearing on March 1, 2023 at 1:00 P.M. (Central Time)
3/1/2023	393	Courtroom Minutes from hearing held March 1,2023
3/1/2023	394	Final Order (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use of Cash Collateral, (II) Granting (A) Liens and Providing Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, (III) Modifying Automatic Stay, and (IV) Granting Related Relief
3/3/2023	406	Amended Final Order (I) Authorizing Debtors to (A) Obtain Postpetition Financing and (B) Use of Cash Collateral, (II) Granting (A) Liens and Providing Superpriority Administrative Expense Status and (B) Adequate Protection to Certain Prepetition Lenders, (III) Modifying Automatic Stay, and (IV) Granting Related Relief
3/5/2023	415	Transcript Regarding Status Conference held on March 1, 2023 before Judge David R. Jones
3/6/2023	417	Notice of Filing of Official Transcript
3/7/2023	427	Disclosure Statement for Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and Its Affiliated Debtors
3/17/2023	499	The Ad Hoc Group of First Lien Lenders' Statement and Reservation of Rights With Respect to the Motion of Debtors For Entry of Order (I) Approving Disclosure Statement and Form and Manner of Notice of Disclosure Statement Hearing; (II) Establishing Solicitation and Voting Procedures; (III) Establishing Notice and Objection Procedures for Confirmation of Proposed Plan; (IV) Approving Notice Procedures for the Assumption or Rejection of Executory Contracts and Unexpired Leases; and (V) Granting Related Relief
3/17/2023	501	Joinder of LCM Lenders to The Ad Hoc Group of First Lien Lenders' Statement and Reservation of Rights With Respect to the Motion of Debtors for Entry of Order (I) Approving Disclosure Statement and Form and Manner of Notice of Disclosure Statement Hearing; (II) Establishing Solicitation and Voting Procedures; (III) Establishing Notice and Objection Procedures for Confirmation of Proposed Plan; (IV) Approving Notice Procedures for the Assumption or Rejection of Executory Contracts and Unexpired Leases; and (V) Granting Related Relief

3/23/2023	540	Order (I) Approving Disclosure Statement and Form and Manner of Notice of Disclosure Statement Hearing; (II) Establishing Solicitation and Voting Procedures; (III) Establishing Notice and Objection Procedures for Confirmation of Proposed Plan; (IV) Approving Notice Procedures for the Assumption or Rejection of Executory Contracts and Unexpired Leases; and (V) Granting Related Relief
3/23/2023	544	Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and Its Affiliated Debtors
3/23/2023	545	Disclosure Statement for Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and its Affiliated Debtors
3/25/2023	559	Transcript regarding Disclosure Statement Hearing held on March 23, 2023 before Judge David R. Jones
5/12/2023	852	LCM Lenders' Witness and Exhibit List for Hearing on May 15, 2023
5/12/2023	853	Debtors' Exhibit and Witness List and Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	855	Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	856	Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	857	Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	857	Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	857	Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	861	SEALED Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	862	SEALED Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	863	SEALED Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	864	SEALED Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	865	SEALED Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	866	SEALED Debtors' Exhibits for Hearing Beginning May 15, 2023
5/12/2023	867	SEALED Debtors' Exhibits for Hearing Beginning May 15, 2023
5/15/2023	908	SEALED Debtors' Corrected Exhibits for Hearing Beginning May 15, 2023
5/16/2023	914	Notice of Filing of Debtors' Demonstrative No. 1
5/17/2023	932	Debtors' Exhibits for Hearing Beginning May 15, 2023

5/17/2023	933	SEALED Debtors' Exhibits for Hearing Beginning May 15, 2023
5/18/2023	941	SEALED Debtors' Exhibits for Hearing Beginning May 15, 2023
5/18/2023	944	SEALED Debtors' Exhibit for Hearing Beginning May 15, 2023
5/19/2023	960	SEALED Debtors' Exhibit for Hearing Beginning May 15, 2023
5/25/2023	1001	Serta Simmons Bedding LLC's Notice of Filing Confirmation Hearing Closing Demonstrative

SERTA SIMMONS BEDDING, LLC, INVESCO SENIOR SECURED MANAGEMENT, INC., CREDIT SUISSE ASSET MANAGEMENT, LLC, BOSTON MANAGEMENT AND RESEARCH, EATON VANCE MANAGEMENT, and BARINGS LLC,

v.

AG CENTRE STREET PARTNERSHIP L.P., AG CREDIT SOLUTIONS NON-ECI MASTER FUND, L.P., AG SF MASTER (L), L.P., AG SUPER FUND MASTER, L.P., SILVER OAK CAPITAL, L.L.C., ASCRIBE III INVESTMENTS, LLC, COLUMBIA CENT CLO 21 LIMITED, COLUMBIA CENT CLO 27 LIMITED, COLUMBIA FLOATING RATE INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST II, COLUMBIA STRATEGIC INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST I, CONTRARIAN CAPITAL FUND I, L.P., CONTRARIAN CENTRE STREET PARTNERSHIP, L.P., CONTRARIAN DISTRESSED DEBT FUND, L.P., GAMUT CAPITAL SSB, LLC, LCM XXII LTD., LCM XXIII LTD., LCM XXIV LTD., LCM XXV LTD., LCM 26 LTD., LCM 27 LTD., LCM 28 LTD., NORTH STAR DEBT HOLDINGS, L.P., SHACKLETON 2013- III CLO, LTD., SHACKLETON 2013-IV-R CLO, LTD., SHACKLETON 2014-V-R CLO, LTD., SHACKLETON 2015-VII-R CLO, LTD., SHACKLETON 2017-XI CLO, LTD., Z CAPITAL CREDIT PARTNERS CLO 2018-1 LTD., AND Z CAPITAL CREDIT PARTNERS CLO 2019-1 LTD.,

Adversary Case No. 23-09001

Docket Date	Docket No.	Description
1/24/2023	1	Adversary Complaint
1/24/2023	15	Notice of Scheduling Conference Scheduled for January 27, 2023 at 3:30 P.M. (Central Time)
1/26/2023	18	Status Report
1/28/2023	19	Courtroom Minutes from hearing held January 24, 2023

1/28/2023	20	Notice of Continued Scheduling Conference on February 1, 2023 at 12:00 p.m. (Central Time)
1/31/2023	21	Transcript regarding Motion to Extend the Stay held on January 27, 2023 before Judge David R. Jones
2/1/2023	25	Notice of Filing of Official Transcript
2/1/2023	26	Notice of Filing of Further Revised Proposed Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/1/2023	27	[Ad Hoc Group of First Lien Lenders' Proposed] Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/1/2023	28	Notice of Filing Redline of the [Ad Hoc Group of First Lien Lenders' Proposed] Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/1/2023	29	Notice of Filing Redline of the [Ad Hoc Group of First Lien Lenders' Proposed] Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/2/2023	32	Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/14/2023	38	Amended Adversary Complaint
2/24/2023	67	Stipulated Protective Order
2/24/2023	68	Answering Defendants' Answer to the Amended Adversary Complaint, Counterclaims and Third-Party Claims
2/24/2023	69	Serta Simmons Bedding, LLC's Motion for Summary Judgment
2/24/2023	70	Serta Simmons Bedding, LLC's Statement of Uncontroverted Facts in Support of Their Motion for Summary Judgment
2/24/2023	71	Motion for Entry of an Order Authorizing Serta Simmons Bedding, LLC to File Confidential Documents Under Seal
2/24/2023	72	Sealed Documents/Exhibits Nos. 1, 2, 3, 4, 5, 6, 8, 10, 25, 26, 27 filed Under Sealed in Connection with Serta Simmons Bedding, LLC's Statement of Uncontroverted Facts in Support of Their Motion for Summary Judgment
2/24/2023	73	Lenders Plaintiffs' Motion for Summary Judgment
3/3/2023	74	Stipulated Protective Order
3/6/2023	76	Stipulation between and Among the Debtors, the PTL Lenders, the DJ Adversary Proceeding Defendants, the Stay Adversary Defendants, and the Committee Governing Participation of the Committee in the Adversary Proceedings

3/15/2023	77	Lender Plaintiffs' Amended Motion for Summary Judgment
3/16/2023	78	Emergency Motion for Entry of an Order Authorizing the LCM Defendants to File Confidential Documents Under Seal
3/16/2023	79	SEALED LCM Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment
3/16/2023	80	Redacted LCM Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment
3/16/2023	81	Declaration of Neil Lieberman in Support of the LCM Defendants' Opposition to Summary Judgment with Exhibits #3, 6, 21, 22
3/16/2023	82	Declaration of Neil Lieberman in Support of the LCM Defendants' Opposition to Summary Judgment with SEALED Exhibits
3/16/2023	83	Declaration of Farboud Tavangar in Support of the LCM Defendants' Opposition to Summary Judgment
3/16/2023	84	Declaration of Professor Vincent Buccola in Support of the LCM Defendants' Opposition to Summary Judgment
3/16/2023	85	Serta Simmons Bedding, LLC's Response to Answering Defendants' Counterclaims
3/16/2023	87	SEALED Excluded Lenders' Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment
3/16/2023	89	Expert Declaration of Sarah M. Ward
3/16/2023	90	Excluded Lenders' Counterstatement of Controverted Facts in Opposition to Plaintiffs' Motion for Partial Summary Judgment
3/17/2023	91	Exhibits to the Excluded Lenders' Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment
3/17/2023	92	Declaration of Anne E. Beaumont
3/17/2023	98	SEALED Declaration of Michael Hanigan
3/17/2023	99	SEALED Declaration of Erik Kreutzer
3/17/2023	100	SEALED Declaration of Theodore Kwon
3/17/2023	101	SEALED Declaration of Ryan Mollett
3/17/2023	102	SEALED Declaration of Marti P. Murray
3/17/2023	103	SEALED Declaration of Daniel Ryan
3/17/2023	104	Motion for Entry of an Order Authorizing the Excluded Lenders to File Under Seal Portions of Their Memorandum of Law in Opposition to Plaintiffs' Motions for Partial Summary Judgment and Certain Exhibits Thereto
3/17/2023	105	Order Granting Motion for Entry of Order Authorizing the Excluded Lenders to File Under Seal Portions of Their Memorandum of Law in Opposition to Plaintiffs' Motions for Partial Summary Judgment and Certain Exhibits Thereto

3/17/2023	106	Order Authorizing LCM Defendants to File Confidential Documents Under Seal
3/24/2023	110	Serta Simmons Bedding, LLC's Reply Memorandum of Law in Further Support of Its Motion for Summary Judgment
3/24/2023	111	SEALED Serta Simmons Bedding, LLC's Reply Memorandum of Law in Further Support of Its Motion for Summary Judgment
3/24/2023	112	Serta Simmons Bedding, LLC's Response to the Drop Down Group Defendants' Additional Material Facts Included in the Counterstatement of Controverted Facts
3/24/2023	113	Motion for Entry of an Order Authorizing Serta Simmons Bedding, LLC to File Confidential Documents Under Seal
3/24/2023	114	Reply Memorandum in Further Support of Lenders Plaintiffs' Motion for Summary Judgment filed by Invesco Senior Secured Management, Inc., Boston Management and Research, Credit Suisse Asset Management, LLC, Easton Vance Management, and Barings, LLC
3/27/2023	116	Emergency Motion Challenging Assertion of Privilege
3/27/2023	118	Amended Agenda of Matters Set for Hearing on March 28, 2023 at 9:00 A.M. (Central Time)
3/28/2023		Courtroom Minutes for hearing held on March 28, 2023 before Judge David R. Jones
3/28/2023		Transcript Order Form (regarding hearing held 3/28/2023)
3/28/2023	123	PDF with audio file of hearing on 3/28/2023
3/31/2023	133	Transcript for Summary Judgment Hearing held on 3/28/2023
4/6/2023	141	Order on Motion for Summary Judgment
4/6/2023	142	Order on Motion for Summary Judgment
4/6/2023	144	Joint Notice of Appeal of Order on Motion for Summary Judgment by LCM Appellants
4/6/2023	146	Answer to Amended Complaint and Counterclaims by LCM Defendants
4/21/2023	180	Serta Simmons Bedding LLC's Response to Answering Defendants' Amended Counterclaims
4/26/2023	189	Transcript re: Emergency Motion for Entry of an Order (I) Approving Plaintiffs' Proposed Discovery Schedule, and (II) Limiting Depositions, or in the Alternative, to Schedule a Status Conference held on 4/24/23 before Judge David R. Jones.
4/28/2023	191	Answer to LCM Defendants' Counterclaims by PTL Lender Group
5/4/2023	208	Stipulated Order Regarding the Bifurcation of Liability and Damages
5/12/2023	229	Agenda for Hearing on 5/15/2023
5/12/2023	230	Excluded Lenders Defendants' May Call Witness and Exhibit List for Trial Schedule to Begin on May 14, 2023 at 9:30 A.M. (CDT)

5/12/2023	231	Excluded Lender Defendants' May Call Witness and Supplemental Exhibit List for Trial Schedule to Begin on May 14, 2023 at 9:30 A.M. (CDT)
5/12/2023	232	LCM Lenders' Witness and Exhibit List
5/12/2023	233	PTL Lender Group's Witness and Exhibit List
5/12/2023	234	Serta Simmons Bedding LLC's Witness and Exhibit List
5/12/2023	236	Excluded Lender Defendants' Defense Exhibits
5/12/2023	237	Excluded Lender Defendants' Defense Exhibits
5/13/2023	238	SEALED Excluded Lender Defendants' Defense Exhibits
5/14/2023	240	Excluded Lender Defendants' Pretrial Memorandum of Law
5/14/2023	241	SEALED Excluded Lender Defendants' Pretrial Memorandum of Law
5/14/2023	242	SEALED Serta Simmons Bedding LLC's Pretrial Memorandum of Law
5/14/2023	243	LCM Lenders' Pretrial Memorandum of Law
5/14/2023	244	SEALED PTL Lenders' Pretrial Memorandum of Law
5/14/2023	245	SEALED LCM Lenders' Pretrial Memorandum of Law
5/14/2023	248	SEALED Excluded Lender Defendants' Defense Exhibits
5/14/2023	250	SEALED Excluded Lender Defendants' Defense Exhibits
5/14/2023	252	SEALED Excluded Lender Defendants' Defense Exhibits
5/14/2023	253	Amended Agenda for Hearing on 5/15/2023
5/14/2023	254	SEALED Excluded Lenders Defendants' Defense Exhibits
5/14/2023	255	Exhibit and Witness List Filed by Serta Simmons Bedding LLC
5/14/2023	256	Excluded Lenders Defendants' Defense Exhibits
5/14/2023	257	Excluded Lenders Defendants' Defense Exhibits
5/14/2023	259	Excluded Lender Defendants' Defense Exhibits
5/15/2023	262	5th Circuit Order Granting Permission to Appeal and Denying Motion to Expedite Appeal
5/16/2023	263	Transcript re: Confirmation Day One (Morning Session) held on May 15, 2023 before Judge David R. Jones
5/16/2023	264	SEALED Excluded Lender Defendants' Second Amended May Call Witness List and Supplemental Exhibit List and Related Exhibits
5/16/2023	265	Excluded Lender Defendants' Defense Exhibits

5/17/2023	271	Debtors' Second Amended Witness List and Joint Exhibit List for Hearing Commencing on May 15, 2023
5/18/2023	273	Transcript re: Confirmation Day One – Afternoon Session (Via Zoom) held on May 15, 2023 before Judge David R. Jones.
5/18/2023	275	Debtors' Third Amended Witness List and Joint Exhibit List for Hearing Commencing on May 15, 2023
5/19/2023	277	Transcript re: Confirmation Day Two – Afternoon Session (Via Zoom) held on May 16, 2023 before Judge David R. Jones
5/19/2023	279	Debtors' Fourth Amended Witness List and Joint Exhibit List for Hearing Commencing on May 15, 2023
5/19/2023	280	Exhibits Admitted by Stipulation of the Parties
5/21/2023	282	Transcript RE: Confirmation Day Three - Morning Session (Via Zoom) held on May 17, 2023 before Judge David R. Jones.
5/21/2023	283	Transcript RE: Confirmation Day Three - Afternoon Session (Via Zoom) held on May 17, 2023 before Judge David R. Jones.
5/21/2023	285	Transcript RE: Confirmation Day Four - Morning Session (Via Zoom) held on May 18, 2023 before Judge David R. Jones.
5/21/2023	286	Transcript RE: Confirmation Day Four - Afternoon Session (Via Zoom) held on May 18, 2023 before Judge David R. Jones.
5/23/2023	291	LCM Lenders' Post-Trial Memorandum of Law
5/23/2023	292	SEALED LCM Lenders' Post-Trial Memorandum of Law
5/23/2023	293	LCM Lenders' Proposed Findings of Fact and Conclusions of Law
5/23/2023	294	SEALED LCM Lenders' Proposed Findings of Fact and Conclusions of Law
5/23/2023	296	Excluded Lenders' Proposed Findings of Fact and Conclusions of Law
5/23/2023	297	SEALED Excluded Lenders' Proposed Findings of Fact and Conclusions of Law
5/23/2023	299	Excluded Lenders' Post-Trial Memorandum of Law
5/23/2023	300	SEALED Excluded Lenders' Post-Trial Memorandum of Law
5/23/2023	302	Serta Simmons Bedding LLC's Proposed Findings of Fact and Conclusions of Law
5/25/2023	314	Excluded Lenders' Notice of Filing Confirmation Hearing Closing Demonstrative
5/25/2023	316	PTL Lender Group's Notice of Filing Confirmation Hearing Closing Demonstrative
5/25/2023	318	Transcript re: Confirmation Closing Arguments held on May 25, 2023 before Judge David R. Jones
6/6/2023	324	Memorandum Opinion
6/9/2023	325	Notice of Filing of Post-Trial Judgment

6/14/2023	328	Final Judgment
6/20/2023	330	LCM Lenders' Joint Notice of Appeal
6/22/2023	332	Clerk's Notice of Filing of Appeal

SERTA SIMMONS BEDDING, LLC, INVESCO SENIOR SECURED MANAGEMENT, INC., CREDIT SUISSE ASSET MANAGEMENT, LLC, BOSTON MANAGEMENT AND RESEARCH, EATON VANCE MANAGEMENT, and BARINGS LLC,

v.

AG CENTRE STREET PARTNERSHIP L.P., AG CREDIT SOLUTIONS NON-ECI MASTER FUND, L.P., AG SF MASTER (L), L.P., AG SUPER FUND MASTER, L.P., SILVER OAK CAPITAL, L.L.C., ASCRIBE III INVESTMENTS, LLC, COLUMBIA CENT CLO 21 LIMITED, COLUMBIA CENT CLO 27 LIMITED, COLUMBIA FLOATING RATE INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST II, COLUMBIA STRATEGIC INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST I, CONTRARIAN CAPITAL FUND I, L.P., CONTRARIAN CENTRE STREET PARTNERSHIP, L.P., CONTRARIAN DISTRESSED DEBT FUND, L.P., GAMUT CAPITAL SSB, LLC, NORTH STAR DEBT HOLDINGS, L.P., SHACKLETON 2013- III CLO, LTD., SHACKLETON 2013-IV-R CLO, LTD., SHACKLETON 2014-V-R CLO, LTD., SHACKLETON 2015-VII-R CLO, LTD., SHACKLETON 2017-XI CLO, LTD., Z CAPITAL CREDIT PARTNERS CLO 2018-1 LTD., AND Z CAPITAL CREDIT PARTNERS CLO 2019-1 LTD., LCM XIII L.P., LCM XIV L.P., LCM XV L.P., LCM XVI L.P., LCM XVII L.P., LCM XVIII L.P., LCM XIX L.P., LCM XX L.P., LCM XXI L.P., LCM XXII LTD., LCM XXIII LTD., LCM XXIV LTD., LCM XXV LTD., LCM 26 LTD., LCM 27 LTD. and LCM 28 LTD.,

Adversary Case No. 23-03007

Docket Date	Docket No.	Description
1/24/2023	1	Adversary Complaint
1/24/2023	2	Declaration of Harvey Tepner in Support of Debtors' Emergency Motion for an Order (I) Declaring the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (II) Preliminary Enjoining Such Prepetition Action
1/24/2023	3	Debtors' Emergency Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay in Certain Non-Debtor Parties and (II) Preliminary Enjoining the Prepetition Action

1/27/2023	32	Courtroom Minutes for hearing held January 27, 2023 before Judge David R. Jones
1/28/2023	35	Notice of Continued Scheduling Conference on February 1, 2023 at 12:00 p.m.
1/31/2023	49	Transcript regarding Motion to Extend the Stay held on January 27, 2023 before Judge David R. Jones
1/31/2023	50	LCM Lenders' Unopposed Emergency Motion to Intervene
2/1/2023	53	Order Granting LCM Lenders' Unopposed Emergency Motion to Intervene
2/2/2023	66	Order Temporarily Staying or Enjoining Certain Prepetition Actions
2/2/2023	67	Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/2/2023	68	Transcript regarding Motion Hearing held on February 1, 2023 before Judge David R. Jones
2/3/2023	69	Notice of Filing of Official Transcript
2/13/2023	77	Fed. R. Bankr. P. 7001 Corporate Disclosure Statement of the LCM Lender Defendants
2/15/2023	84	PTL Lenders' Unopposed Emergency Motion to Intervene
2/24/2023	97	The Ad Hoc Group of First Lien Lenders' Objection to Debtors' Emergency Motion for an Order (A) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (B) Preliminarily Enjoining the Prepetition Action
2/24/2023	98	LCM Lenders' (1) Objection to Debtors' Emergency Motion for an Order (A) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (B) Preliminarily Enjoining the Prepetition Action, and (2) Joinder in Ad Hoc Group's Objection
2/24/2023	99	Declaration of Neil Lieberman Support of LCM Lenders' Objection to Debtors' Request for Injunctive Relief
2/27/2023	100	Order Granting PTL Lenders' Unopposed Emergency Motion to Intervene

3/6/2023	103	Stipulation Between and Among the Debtors, the PTL Lenders, the DJ Adversary Proceeding Defendants, the Stay Adversary Defendants, and the Committee Governing Participation of the Committee in the Adversary Proceedings
3/6/2023	104	Debtors' Omnibus Reply to Objections to Debtors' Emergency Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (II) Preliminarily Enjoining the Prepetition Action
3/6/2023	105	PTL Lender Intervenors' Reply in Further Support of Debtors' Emergency Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (II) Preliminarily Enjoining the Prepetition Action
3/9/2023	107	LCM Lenders' Witness and Exhibit List for Hearing on March 13, 2023
3/9/2023	108	Debtors' Witness and Exhibit List for Hearing on March 13, 2023
3/9/2023	109	PTL Lender Group's Witness and Exhibit List for Hearing on March 13, 2023 at 2:00 P.M. (Central Time)
3/9/2023	110	The Ad Hoc Group of First Lien Lenders' Witness and Exhibit List for Hearing on March 13, 2023
3/10/2023	111	Agenda of Matters Set for Hearing on March 13, 2023 at 2:00 P.M. (Central Time)
3/13/2023	115	Courtroom Minutes for hearing held March 13, 2023 before Judge David R. Jones
3/15/2023	118	Transcript regarding Status Conference held on March 13, 2023 before Judge David R. Jones
3/16/2023	119	Notice of Filing of Official Transcript
3/20/2023	124	Order (I) Extending the Automatic Stay in Certain Non-Debtor Parties and (II) Enjoining the Prepetition Actions

Dated: July 5, 2023
New York, NY

Respectfully submitted,

HOLWELL SHUSTER & GOLDBERG LLP

/s/ Neil R. Lieberman

Michael Shuster (admitted *pro hac vice*)
Vincent Levy (admitted *pro hac vice*)
Neil R. Lieberman (admitted *pro hac vice*)
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Counsel for the LCM Appellants

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served by electronic delivery on all persons and entities receiving ECF notice in this adversary proceeding on July 5, 2023.

/s/ Neil R. Lieberman
Neil R. Lieberman